

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TC ENGINEERING, INC.,)	CASE NO. 8:05CV96
)	
Plaintiff,)	
)	
vs.)	
)	ORDER OF DISMISSAL
MID-AMERICA TRUCK CARE, LLC,)	
NEBRASKALAND NATIONAL BANK,)	
U.S. SMALL BUSINESS)	
ADMINISTRATION, TIER ONE BANK,)	
CITY OF NORTH PLATTE, COUNTY)	
OF LINCOLN,)	
)	
Defendants.)	

This matter is before the Court on Plaintiff's Motion to Dismiss (Filing No. 14) and supporting affidavit (Filing No. 15). The U.S. Small Business Administration, which has answered, has informed the Court that it has no objection to the motion. The Plaintiff's voluntary dismissal comes before any other defendant has answered the Complaint. The motion satisfies the requirements of the Federal Rules of Civil Procedure, and pursuant to Rule 41(a)(2), the Court concludes that dismissal without prejudice is proper at this time. Accordingly,

IT IS ORDERED:

- 1) The Plaintiff's Motion to Dismiss (Filing No. 14) is granted; and
- 2) The Complaint is dismissed without prejudice, each party to pay its own costs and attorney fees.

Dated this 26th day of October, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge